

ASSEMBLY BILL

No. 821

Introduced by Assembly Member Ridley-Thomas

February 18, 2005

An act to add Section 2105.5 to the Elections Code, relating to voter registration.

LEGISLATIVE COUNSEL'S DIGEST

AB 821, as introduced, Ridley-Thomas. Inmate voter registration.

Existing law requires the Secretary of State to adopt regulations requiring counties to design and implement programs intended to identify qualified electors who are not registered voters and to register those persons to vote.

This bill would require that the county elections officials ascertain the names of persons, including inmates not yet convicted who are in a custodial facility awaiting a court hearing or sentencing for a minor offense, inmates who are serving a sentence for a traffic offense or misdemeanor conviction, inmates who are not currently sentenced to a prison term or on parole for a felony conviction, and persons who have completed a sentence for a felony conviction, so that the county elections official may notify them of their right to vote, as specified. By imposing additional duties on local elections officials, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state,

reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. (a) The Legislature finds and declares all of the
2 following:

3 (1) Many inmates are not aware of the fact that they may be
4 eligible to register to vote and vote in California elections.

5 (2) There are issues on the election ballot that may affect
6 inmates and their families. Inmates are encouraged to exercise
7 their voting rights to express opinions on those issues.

8 (3) Contrary to popular belief, persons who have been
9 convicted of a felony in California may be eligible to register to
10 vote and vote after they have served their sentence and are no
11 longer on parole.

12 (b) It is the intent of the Legislature to enact this legislation to
13 notify inmates and persons who have been convicted of a felony
14 in California of their voting rights.

15 SEC. 2. Section 2105.5 is added to the Elections Code, to
16 read:

17 2105.5. (a) A county elections official shall compile a list of
18 the names of persons within any of the following categories so
19 that the county elections official may notify these persons of their
20 right to vote:

21 (1) Inmates not yet convicted who are in a custodial facility
22 awaiting a court hearing or sentencing for a minor offense.

23 (2) Inmates who are serving a sentence for a traffic offense or
24 misdemeanor conviction.

25 (3) Inmates who are not currently sentenced to a prison term
26 or on parole for a felony conviction.

27 (4) Persons who have completed a sentence for a felony
28 conviction.

29 (b) The notification required pursuant to subdivision (a) shall
30 include both of the following:

31 (1) An affidavit of registration.

32 (2) A "Guide to Inmate Voting," which shall contain an
33 explanation of all of the following:

1 (A) Who is eligible to vote.

2 (B) How to register to vote.

3 (C) An explanation of absentee voting and voting by mail and
4 how to apply to vote absentee or by mail.

5 (D) The right to receive multilingual voting materials.

6 (E) When to reregister to vote.

7 (F) Inmate eligibility to vote.

8 SEC. 3. If the Commission on State Mandates determines that
9 this act contains costs mandated by the state, reimbursement to
10 local agencies and school districts for those costs shall be made
11 pursuant to Part 7 (commencing with Section 17500) of Division
12 4 of Title 2 of the Government Code.